

F.

Duplicate  
**FILED**  
LOS ANGELES SUPERIOR COURT  
JUL -9 2008  
By JOHN A. CLARKE, CLERK  
Deputy

1  
2  
3  
4  
5  
6  
7  
8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES**  
10

11 THE PEOPLE OF THE STATE OF CALIFORNIA,

CASE NO.: 8CA02161

12  
13 v.

**[Proposed]**

14 DENNIS BOREY

15 Defendant,

**ORDER RESTRICTING THE  
PRACTICE OF RESPIRATORY  
CARE THERAPY AS  
CONDITION OF BAIL/OR  
RELEASE**

16  
17 STEPHANIE NUNEZ, Executive Officer of the  
18 RESPIRATORY CARE BOARD,  
19 DEPARTMENT OF CONSUMER AFFAIRS,  
20 STATE OF CALIFORNIA,

21 Applicant.

22 The Court having read and considered the "Notice of Appearance and  
23 Recommendation by State Licensing Agency re: Restrictions on Practice of Respiratory Care  
24 Therapy" filed with the Court by Stephanie Nunez, Executive Director of the Medical Board of  
25 California, through counsel, Attorney General of the State of California Edmund G. Brown, Jr.,  
26 by Deputy Attorney General Abraham M. Levy, and having heard and considered the arguments  
27 or additional information from the parties, now rules as follows:

28 ///

1 IT IS HEREBY ORDERED THAT Defendant Dennis Borey (Respiratory Care  
2 Therapy License Number 3079) shall be subject to the following limitations, as a condition of  
3 bail or own recognizance release during the pendency of this criminal action until its final  
4 conclusion and sentence:

5 ~~THIRD PARTY CHAPERONE~~ *not a 3rd party*

6 1. During the pendency of this action, Defendant Borey shall have a third party  
7 *in the practice of respiratory care therapy subject*  
8 *to further order of the Court.*  
9 ~~chaperone present while consulting, examining or treating female patients. Prior to engaging in~~  
10 ~~practice of respiratory care therapy, Defendant shall submit to the Enforcement Coordinator of~~  
11 ~~the California Respiratory Care Board, for prior approval, the name(s) of person(s) who will act~~  
12 ~~as the third party chaperone.~~

13 2. Each third party chaperone shall initial and date each female patient's medical  
14 record at the time the chaperone's services are provided. Each third party chaperone shall read  
15 this order, and the Complaint on file with this Court and fully understand the role of the third  
16 party chaperone.

17 3. Defendant shall maintain a log of all patients seen for whom a third party  
18 chaperone is required. The log shall contain the: 1) patient name, address and telephone number;  
19 2) medical record number; and 3) date of service. Defendant shall keep this log in a separate file  
20 or ledger, in chronological order, shall make the log available for immediate inspection and  
21 copying on the premises at all times during business hours by the Respiratory Care Board or its  
22 designee, and shall retain the log for the entire time of the pendency of this action. Failure to  
23 maintain a log of all patients requiring a third party chaperone, or to make the log available for  
24 immediate inspection and copying on the premises, is a violation of this Order.

25 4. Defendant shall provide written notification to his female patients that a third  
26 party chaperone shall be present during all consultations, examination, or treatment with female  
27 patients. Defendant shall maintain a copy of the written notification in the patient's file and shall  
28 make the notification available for immediate inspection and copying on the premises at all  
times during business hours by the Medical Board of California or its designee, and shall retain

1 ~~the notification in the patient's chart during the pendency of this action.~~

2 IT IS SO ORDERED:

3  
4 DATED: JUL - 9 2008, 2008

5  
6  
7  
8 Superior Court of Los Angeles County



TIMOTHY MURPHY